

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In Re:

Case No. BKY 04-32071

Chuck L. Condon

Chapter 13 Case

**APPLICATION FOR COMPENSATION OR  
EXPENSES BY ATTORNEY FOR DEBTOR(S)**

The undersigned applicant, pursuant to Local Rule 406(d)(1), states that:

1. The plan of the debtor(s) has been confirmed by the court, and the applicant is the attorney for the debtor(s), has filed a statement under Bankruptcy Rule 2016(b), and has completed all necessary appropriate legal services to date in this case.
2. The reasonable value of such services is \$2,200.00. The applicant has paid \$194.00 for the filing fee in this case and \$ -0- for other expenses itemized below. The debtor(s) has agreed to pay the applicant for such services and reimburse the applicant for such expenses. The debtor(s) has paid \$ 1,440.00 to the applicant to date for such services or expenses. The debtor(s) owes to the applicant \$ 1,017.38 for the unpaid balance.

Wire Transfer fee	\$10.00
Faxing documents	13.00
Postage	21.18
Photocopies	19.20
Total Expenses	\$ 63.38

3. The applicant has not shared or agreed to share with any other person, other than with members of the applicant's law firm, any compensation paid or to be paid in this case.

WHEREFORE, the applicant requests the court to award \$1,017.38, the unpaid balance stated above, for compensation or reimbursement, and to order the trustee to pay such amount to the applicant under 11 U.S.C. §330 and the Local Rule 2016(d)(1).

Dated: July 29, 2004

**PATTON, HOVERSTEN & BERG, P.A.**

By /s/ Perry A. Berg  
Perry A. Berg (#135999)  
Attorneys for Debtor  
215 East Elm Avenue, P.O. Box 249  
Waseca, MN 56093  
Telephone: (507) 835-5240

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**CHAPTER 13 PLAN**

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**In Re:**

**Dated: June 10, 2004**

**Chuck L. Condon**

**Case No. 04-32071**

**Debtor**  
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**NOTICE OF HEARING AND MOTION**

**TO:** U.S. Bankruptcy Court, US Bankruptcy Trustee, and Jasmine Z. Keller, Trustee.

1. Attorney for Debtor moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a hearing on this motion at 2:30 p.m. on September 8, 2004, at the United States Court House, at 316 North Robert Street, St. Paul, Minnesota.

3. Any response to this motion must be filed and delivered not later than 2:30 p.m. on September 3, 2004, which is three days before the time set for the hearing, or filed and served by mail not later than August 31, 2004, which is seven days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334. The Chapter 13 Plan was filed on April 5, 2004. The Modified Chapter 13 Plan was filed on May 6, 2004. The Second Modified Chapter 13 Plan was filed on June 10, 2004. The Second Modified Plan was confirmed on July 15, 2004, by this court.

5. This motion arises under 11 U.S.C. § 329 and Bankruptcy Rule 2016.

(1) No order approving the applicant's employment is required.

(2) The date and amounts of any retainer paid to the applicant and its source.

A retainer of \$1206.00 was paid by debtor.

(3) Applicant has not made any previous application for compensation in this case.

(4) A Chapter 13 Plan was filed on April 5, 2004. The Modified Chapter 13 Plan was filed on May 6, 2004 and a Second Modified Chapter 13 Plan was filed on June 10, 2004, and was confirmed on July 15, 2004, by this court.

(5) Paid administrative expenses are as follows:

\$194.00 filing fee  
10.00 wire of funds transfer fee  
13.00 faxing documents  
21.18 postage  
19.20 photocopying  
\$257.38 TOTAL EXPENSES

(6) Applicant provided professional services including explaining bankruptcy procedures and law, preparation of petition and schedules, Chapter 13 Plan and two Modified Chapter 13 Plans.

Telephone conferences with creditors regarding collection actions, including stopping the sheriff's sale on the foreclosure of mortgage. Applicant attended the First Meeting of Creditors on May 4, 2004. Applicant also notified several additional creditors of bankruptcy filing. Applicant worked with debtor regarding the filing of his income tax returns and amended the bankruptcy schedules and modified the Chapter 13 Plan twice.

Applicant is requesting the allowance of fees in the amount of \$1,017.38 for a total award.

(7) An itemization of time separated by task or proceeding, describing the task or proceeding and the name and capacity of persons expending the time is attached as Exhibit A.

(8) The hourly rate for applicant is \$195 per hour and the hourly rate for all legal assistants in this matter is \$65.00 per hour.

(9) An itemization of expenses is included in the attached Exhibit A.

(10) Applicant agrees that the Trustee shall pay Applicant from funds available in the Plan for payment of attorney fees. Any balance not payable in the Plan shall be paid by Debtor directly to Applicant outside the Plan.

Dated: July 29, 2004

Signed: /s/ Perry A. Berg  
Perry A. Berg

Attorney for Debtor  
215 East Elm Avenue  
PO Box 249  
Waseca, MN 56093  
Atty Reg. No. 135999

Verification. I, Perry A. Berg, the moving party, named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: July 29, 2004

Signed: /s/ Perry A. Berg

PATTON, HOVERSTEN & BERG, P.A.  
215 Elm Avenue East  
P.O. Box 249  
Waseca, MN 56093

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STATEMENT OF ACCOUNT  
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CONDON, CHUCK L.  
8325 8th Ave. NW  
Morristown MN 55052

Page: 1  
07/29/2004  
Account No: 29534-00N  
Statement No: 1

RE: Chapter 13 Bankruptcy

		Hours	
03/31/2004			
PAB	Conference with Chuck Condon regarding foreclosure and Chapter 13 remedies.	1.00	163.88
LW	Work on file in reference to bankruptcy petition. Draft bankruptcy petition and Signature Declaration.	1.50	96.84
DS	Work on file in reference to bankruptcy schedules.	0.80	51.65
04/01/2004			
PAB	Work on file in reference to drafting Chapter 13 Plan.	1.00	163.88
LW	Conference with client regarding additional bankruptcy information. Work on revising bankruptcy schedules including budget. Telephone conference with Shapiro & Nordmeyer and Washington Mutual regarding default amount. Telephone conference with client regarding payoff of arrears. Revise proposed Chapter 13 Plan.	2.00	129.12
04/02/2004			
LW	Work on file in reference to revisions to bankruptcy schedules. Examine fax from Washington Mutual regarding mortgage arrears. Draft Chapter 13 Plan. Letter to client regarding review and execution of Bankruptcy Petition and Chapter 13 Plan.	1.50	96.84
04/05/2004			
PAB	Conference with client regarding execution of Bankruptcy Petition and Chapter 13 Plan.	0.50	81.94
LW	Conference with client regarding bankruptcy information. Revise bankruptcy schedules. Telephone conference with Steele County Court regarding fine amount. Telephone conferences with Professional Credit Analysts regarding debt owed and creditor. Letters to Steele County Sheriff and		

EXHIBIT A

RE: Chapter 13 Bankruptcy

		Hours	
	Shapiro & Nordmeyer requesting cancellation of mortgage foreclosure sale due to bankruptcy filing. Work on preparing documents for filing. File Bankruptcy Petition and Chapter 13 Plan with US Bankruptcy Court. Fax letters to Shapiro & Nordmeyer and Steele County Sheriff.	3.50	225.96
04/07/2004	LW Telephone conference with client regarding additional creditors.	0.30	19.37
04/08/2004	PAB Telephone conference with Holly at American Express.	0.20	32.78
04/12/2004	LW Letter to client regarding First Meeting of Creditors. Work on file. Letters to Local Inc, Faribault Clinic, Midwest Wireless, Cellular One, Gateway, Dr. Palmer and Southern Cities Dentist serving bankruptcy notice, chapter 13 plan and proof of claim. File additional creditors with US Bankruptcy Court. Update bankruptcy schedules.	2.00	129.12
04/19/2004	LW Telephone conference with client regarding mortgage payments. Forward requested information to client.	0.20	12.91
04/27/2004	PAB Telephone conference with client. Draft house lease.	0.40	65.55
05/04/2004	PAB Attend First Meeting of Creditors in Minneapolis. Conference with client.	1.50	245.82
05/05/2004	PAB Work on file in reference to amending Chapter 13 Plan.	0.30	49.16
	LW Forward 2001 tax returns to IRS. Forward address and request for 2002 & 2003 tax returns by IRS to client. Draft Modified Chapter 13 Plan, Certificate of Service and Notice of PreConfirmation Modification of Chapter 13 Plan. Letters to Trustee Fokkena, Trustee Keller and all creditors serving Notice and Modified Plan.	1.50	96.84
05/06/2004	LW Work on file in reference to filing Notice		

RE: Chapter 13 Bankruptcy

		Hours	
	of PreConfirmation Hearing on Modified Plan. Letters to Citibank Oil and Lindys Collection serving bankruptcy notice, Chapter 13 Plan and Proof of Claim. File documents with US Bankruptcy Court. Serve all creditors with notice.	1.50	96.84
DS	Work on file in reference to preparation of documents for filing and serving of creditors.	0.50	32.28
05/17/2004			
LW	Letter to In Touch Physical Therapy serving bankruptcy notice, Chapter 13 Plan and Proof of Claim. File additional creditor with US Bankruptcy Court.	0.50	32.28
05/24/2004			
LW	Letter to client regarding 2002-2003 tax returns.	0.30	19.37
PAB	Work on file.	0.20	32.78
06/02/2004			
DS	Letter to client regarding 2002-2003 tax returns.	0.20	12.91
06/08/2004			
PAB	Examination of Proof of Claim by IRS. Call to client. Review file.	0.30	49.16
06/09/2004			
PAB	Examine correspondence and Proof of Claim from IRS. Draft Amended Chapter 13 Plan.	0.30	49.16
LW	Review file for filing of tax returns and need to modify plan.	0.30	19.37
06/10/2004			
LW	Telephone conference with Trustee's office rescheduling confirmation hearing date. Draft Notice of Preconfirmation of Second Modification of Chapter 13 Plan and Continuation of Confirmation of Plan Hearing Work on modification of Chapter 13 Plan. Letters to Trustee Fokkena, Trustee Keller and all creditors serving Notice. Telephone conference with client regarding execution of documents. Draft Unsworn Certificate of Service.	1.50	96.84
06/14/2004			
LW	Work on file in reference to preparation of documents for filing with US Bankruptcy Court. File documents with Court.	0.80	51.65
DS	Work on file in reference to converting documents for filing of Second Modification		

CONDON, CHUCK L.

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07/29/2004  
Account No: 29534-00N  
Statement No: 1

RE: Chapter 13 Bankruptcy

	Hours	
of Chapter 13 Plan.	0.20	12.91
07/14/2004		
PAB Review schedules and plan regarding paying Ethel Condon directly. Telephone conference with client.	0.20	32.79
For Current Services Rendered	25.00	2,200.00

Expenses

04/07/2004 First National Bank - wire transfer fee	10.00	—
04/29/2004 Fax Documents	13.00	—
05/03/2004 US Bankruptcy Court - filing fee	194.00	
05/28/2004 Postage	9.34	
06/30/2004 Postage	11.84	
06/30/2004 Photocopying Expense	19.20	
Total Expenses	257.38	
Total Current Work	2,457.38	

Payments

04/05/2004 Payment Received, Thank you	-760.00
04/06/2004 Payment Received, Thank you	-680.00
Total Payments	-1,440.00
Balance Due	<u>\$1,017.38</u>

Payments/Billing Inquiries should be sent to: P.O. Box  
249, Waseca, MN 56093. Please write account number on  
check.



## UNSWORN CERTIFICATE OF SERVICE

I, Laurie A. Woitas, declare under penalty of perjury that on July 29, 2004, I mailed copies of the foregoing NOTICE OF HEARING AND MOTION, APPLICATION FOR COMPENSATION OR EXPENSES BY ATTORNEY FOR DEBTOR and ORDER by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Jasmine Z. Keller, Trustee  
Suite 310 Plymouth Bldg.  
12 South Sixth Street  
Minneapolis, MN 55402

Habbo G. Fokkena  
US Bankruptcy Trustee  
1015 US Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Executed on: 7-29-04

Laurie A Woitas

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**CHAPTER 13 PLAN**

-----  
**In Re:**

**Dated: June 10, 2004**

**Bruce L. Condon**

**Case No. 04-32071**

**Debtor**  
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**ORDER**

Based on the foregoing application, it is ordered under Local Rule 406(d)(1) that \$1,017.38 is awarded to the applicant for compensation or reimbursement and that the trustee pay such amount to the applicant as provided in the plan.

This order also authorizes the Trustee to disburse to the Applicant, in the ordinary course of business, any sum which the Trustee is currently holding for Applicant on account of its claim pursuant to the confirmed plan.

This order authorizes the Trustee to pay the Applicant the balance of \$1,017.38 in the ordinary course of business under the terms of the confirmed Second Modified Chapter 13 Plan. Any balance not payable in the Plan shall be paid by Debtor directly to Applicant outside the Plan.

Dated: \_\_\_\_\_

\_\_\_\_\_  
U.S. Bankruptcy Judge